

# Apostilles and Authentications



Office of the Secretary of State of Texas  
Government Filings Section

## From where does the term *apostille* come and what does it mean?

- ❖ *Apostille* is a French term meaning *a certification*.
- ❖ It is the title given to the authentication certificate issued under the Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents (“Hague Legalization Convention”).
- ❖ The *apostille* certifies to the authenticity of the signature, the capacity in which the person signing the document has acted and where appropriate, the identity of the seal or stamp which the document bears.

## What is the purpose of the Hague Legalization Convention?

- ❖ Documents issued in one country to be used in or presented to another country must be “authenticated” or “legalized” before the other country will recognize those documents and give the documents the legal import given in the jurisdiction of origination. The Hague Legalization Convention simplifies the procedures for documents presented to countries adopting the convention.
- ❖ Prior to the Hague Convention and for countries which are not members of the Convention, the chain authentication procedure was or is used. This involves multiple authentications by different authorities in the chain of issuance.

## What countries are members of the Hague Legalization Convention?

A complete list of countries is available on the web site of the Hague Conference on Private International Law at: <http://www.hcch.net/>.

## What countries are members of the Hague Legalization Convention?

The **United States** is a party to the Hague Legalization Convention. With the ratification of the Hague Legalization Convention by **Mexico**, the Texas Secretary of State has seen a dramatic rise in the requests for issuance of *apostilles*.



What are the 10 elements of an *apostille*?

Information Regarding the Public Document to which the *Apostille* is to be Affixed.

- Country in which the *apostille* is produced
- Name of the public official signing the document which is the subject of the *apostille*
- Capacity of the public official
- The seal or stamp appearing on the public document, if any

What are the 10 Elements of an *Apostille*?  
Information Regarding the Issuance of the  
*Apostille*

- Place where the *apostille* was issued
- Date of issuance
- Who issued the apostille
- Certificate number assigned to the *apostille*
- Seal or stamp of competent authority
- Signature of the competent authority

## Other Requirements for the *Apostille*

- ✓ The model *apostille* should be in the form of a square with sides at least 9 centimeters long.
- ✓ *Apostilles* should be consecutively numbered.
- ✓ Variations in the form of an *apostille* should not be grounds for rejection so long as the *apostille* is clearly identified as an apostille.

*Apostilles* issued by the Texas SOS are on 8 ½” by 11” letterhead.

# Sample Apostille



The State of Texas  
Secretary of State

Requested for use in MEXICO  
Not for use within the United States of America  
This Apostille only certifies the signature, the capacity of the signer and the seal or stamp it bears. It does not certify the content of the document for which it was issued.  
Certificate Validation available at [www.sos.state.tx.us](http://www.sos.state.tx.us)

## APOSTILLE

(Convention de La Haye du 5 Octobre 1961)

- |                                |                               |
|--------------------------------|-------------------------------|
| 1. Country                     | United States of America      |
| This public document           |                               |
| 2. has been signed by          | Stephanie L. Tristan          |
| 3. acting in the capacity of   | Deputy County Clerk           |
| 4. and bears the seal/stamp of | Harris County, State of Texas |

## CERTIFIED

- |                                       |                       |
|---------------------------------------|-----------------------|
| 5. at Austin, Texas                   | 6. on January 9, 2014 |
| 7. by the Secretary of State of Texas |                       |
| 8. Certificate No. 10060010           |                       |
| 9. Seal                               | 10. Signature:        |



*NANDITA BERRY*  
Nandita Berry  
Secretary of State

GF/mr

## Competent Authorities for Documents Issued by Federal Agencies

- ➔ *Apostilles* for documents generated by federal executive and administrative agencies are issued by:

Authentications Office

U. S. Department of State

600 19th St, NW

Washington, D.C. 20006

(202) 485-8000

<http://www.state.gov/m/a/auth/>

## Competent Authorities for Documents Issued by Federal Courts

- ➔ *Apostilles* for documents generated by U.S. Courts are issued by the clerks and deputy clerks of the Federal Court System.



## Certified Copy of a Consular Report of Birth, Marriage or Death Abroad

The Authentication Office of the U.S. State Department does not certify to birth, marriage and death certificates issued abroad. For assistance, contact the U.S. Passport Office at (202) 955-0307.

Additional information available at:

[http://travel.state.gov/passport/get/first/first\\_825.html](http://travel.state.gov/passport/get/first/first_825.html)

## Who are the Competent Authorities in Texas to issue an *Apostille*?

Each subscribing nation may designate those authorities which may issue *Apostilles* for their jurisdiction. The United States has appointed the Secretary of State (or comparable officer) from each state. The Secretary of State of Texas has expanded this authorization to include the Deputy Secretary of State and the division directors.

## Why would someone need an *apostille*?

- Foreign adoptions
- Destination wedding in a foreign country
- Submitting educational qualifications to a foreign country as a result of employment in that country
- Business document to be produced in that foreign country
- To open a Swiss bank account



## What kinds of documents can be apostilled?

The convention applies only to public documents:

- ✓ documents originating in a court, clerk of a court, public prosecutor or process server;
- ✓ administrative documents;
- ✓ documents with a notarial certificate; and
- ✓ documents with official certificates.



## Public Documents to which an *Apostille* is typically affixed

- ⇒ Birth/death certificates
- ⇒ Marriage licenses
- ⇒ Divorce decrees
- ⇒ Certified copies of corporate documents, such as certificates of formation, amendments or mergers
- ⇒ Probated wills
- ⇒ Judgments
- ⇒ A document with a notarial certificate from a Texas notary

## Documents for which Texas SOS will not issue an *Apostille*

- ❌ Birth certificate for someone residing in Texas but who was born in Oklahoma.
- ❌ Document notarized in Louisiana by a Louisiana notary.
- ❌ Document that does not have the signature of a public official or a notary.

*You need to secure an apostille from the jurisdiction that issued the document for which you seek the apostille.*

## Documents for which Texas SOS will not issue an *Apostille*

- ✘ Citizenship, allegiance and sovereignty document.

*Under federal law, the US State Department refuses to provide authentication or notarial services for “citizenship” documents that could be used for fraudulent or criminal circumstances and have recommended that the state competent authorities similarly refuse.*

## Public Officials for whom Texas SOS will issue an *Apostille*

- Secretary of State and other state officials from Texas
- Texas county clerks and other county officials
- State, local and municipal judges
- City or local registrars (SOS only has names of registrars holding office during the last three years)
- Texas notaries public

## Procedures to Obtain Apostille

The Secretary of State has promulgated forms to be used as the request for an *apostille*. The forms are available on the SOS web site at:

<http://www.sos.state.tx.us/statdoc/statforms.shtml#C>

## *Apostille* Forms

- ✓ Use form 2102 for an *apostille* for a document signed by a state, county or local official.
- ✓ Use form 2103 if the *apostille* is required for use in proceedings related to the adoption of a child.

## Procedures to Obtain *Apostille*

- The request for an *apostille* must be accompanied by the complete **original** document to which the *apostille* will be affixed.

OR

- A recently issued certified copy of the document.

## Procedures to Obtain *Apostille*

The request for an *apostille* must identify the name of the country to which the documents will be submitted.

The Texas SOS checks to ensure that the named country is a member of the Hague Legalization Convention. If the country has not joined the convention, the SOS will not issue an *apostille*.

## Procedures to Obtain *Apostille*

- ❌ The Texas SOS will not issue an *apostille* for a document to be presented to another state of the United States or one of the territories of the United States.

Other certification procedures apply if the country is not a member of the Hague Legalization Convention or the document is to be presented to another US state or territory.

## Cost of an *Apostille*

- ◆ The statutory fee of \$15 per *apostille* must be submitted with the request unless the *apostilles* are requested for use in adoption proceedings.
- ◆ If the *apostille* is for adoption proceedings, the fee is \$10 per *apostille* and the total fees may not exceed \$100 for the adoption of each child.



## Contact Information

In person requests, come visit us at:

James Earl Rudder Building

1019 Brazos

Austin, Texas 78701

## Mailing and Delivery

### Mail:

Office of the Secretary of State  
Government Filings Section  
P. O. Box 13550  
Austin, Texas 78711-3550

### Delivery:

1019 Brazos  
Austin, Texas 78701

## Contact Information

Call (512) 463-5705

Email *Authentications@sos.texas.gov*

## How Long Does it Take

In person requests are generally processed by the Texas SOS while the customer waits. Other requests are processed in 3 to 5 business days of receipt. *But* remember to add days for delivery of the completed documents by the post office or courier.



## Do I Need to Send the Original Document?

In accordance with instructions from the U.S. State Department, the Texas SOS will only certify to original documents or recently certified documents.

May I use one *apostille* for multiple documents signed by the same official?

An *apostille* is specific to a document since it includes the date. Consequently, generally separate *apostilles* should be requested for each document. However, if the same authority has signed different documents on the same date, check with the country in which the document will be presented.

Will Texas SOS issue an *apostille* signed by a public official in another jurisdiction?

No.

Texas only has authority to issue *apostilles* for Texas officials and Texas notaries.

Are all *apostilles* issued in English?

YES!

The Secretary of State does not offer translation services and does not issue *apostilles* in any language other than English. We can affix an *apostille* to a notarized translation or a notarized document in another language but the *apostille* will be in English.

## How do I get an *apostille* for a school record?

A school transcript or diploma may only be certified by the educational institution that issued the transcript or diploma. The certifying official for the institution must complete the certification before a Texas notary public. An *apostille* may then be issued for the notarized certified transcript or diploma.

## Common Problems that Preclude Issuance of an *Apostille*

- ❌ Document only has a notary signature and seal does not include a notary certificate.
- ❌ Document does not contain the officer's signature and seal.
- ❌ Failure to send the complete document. Texas SOS will not issue an apostille if the signature page is submitted without the rest of the document.
- ❌ Documents that have not been signed by the person who should have signed the document.

## Problems Continued

- ❌ If Texas SOS cannot read the signature of the official and there is no printed name, we cannot issue an *apostille* regarding that unknown persons capacity.
- ❌ Translated document when a notary serves as both the translator and notarizes his or her own signature.
- ❌ Recordable documents that are inappropriately certified by a notary rather than the official with whom the document has been recorded.

# Questions



(512) 463-5705

*Email [Authentications@sos.texas.gov](mailto:Authentications@sos.texas.gov)*